

04-0 -0482

City Council  
Atlanta, Georgia

AN ORDINANCE

Z-04-27

BY: COUNCILMEMBER IVORY LEE YOUNG, JR.

3-15-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,  
as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta, Georgia be amended and the maps established in connection therewith be changed so that the following property located at **935 Marietta Street, N.W.** be changed from the **I-2 (Heavy Industrial) & I-1 (Light Industrial)** Districts to the **PD-MU (Planned Development-Mixed Use)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **112** of the **14<sup>th</sup>** District of **Fulton** County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "PD Planned Development District," and Chapters 19A through 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

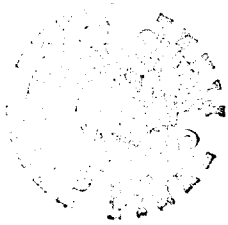
SECTION 4. That all ordinance or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

A true copy

Deputy Clerk

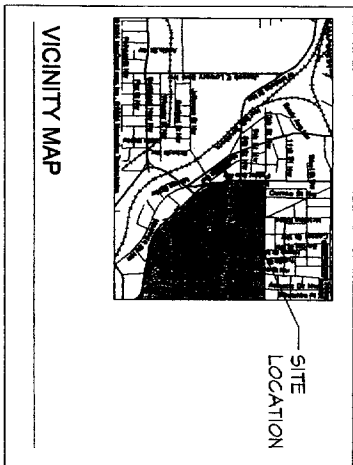
ADOPTED by the Council  
APPROVED by the Mayor

June 21, 2004  
June 24, 2004



Conditions for Z-04-27

1. Site plan titled M – Street Condominiums, Multi-Use Development, by Ecos Environmental Design, Inc., dated March 8, 2004, and stamped received by the City Atlanta Bureau of Planning on May 4, 2004.
2. Provisions for maintaining the common areas, including open space and driveways, shall be through a homeowners association to be formed and created under terms and provisions of executed restrictive and protective covenants to be filed at the appropriate time.

**VICINITY MAP**

SITE LOCATION



2-04-27

**FLOOD PLAN INFORMATION:**  
THIS PROPERTY IS NOT LOCATED IN A  
FEDERAL FLOOD AREA AS INDICATED  
BY F.I.R.A. OFFICIAL FLOOD HAZARD  
MAPS. COMMUNITY PANEL: 136157  
CDSER. PANEL 243 OF 460. MAP DATE  
EFFECTIVE JUNE 22, 1984.

## ZONING CALCULATIONS

Date of Birth		Age		Sex		Race		Religion		Marital Status		Occupation		Education		Income		Assets		Liabilities		Net Worth	
1940	10/10	30	30	M	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	
1940	10/10	30	30	M	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	
1940	10/10	30	30	M	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	
1940	10/10	30	30	M	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	
1940	10/10	30	30	M	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	
1940	10/10	30	30	M	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	
1940	10/10	30	30	M	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	
1940	10/10	30	30	M	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	
1940	10/10	30	30	M	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	
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1940	10/10	30	30	M	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	
1940	10/10	30	30	M	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	
1940	10/10	30	30	M	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	
1940	10/10</																						

**ZONING DATA**

CURRENT ZONING:	H-2
PROPOSED ZONING:	PDMU
SQUARE FOOTAGE:	111,000
RESIDENTIAL:	Up to 6,000 S.F.
RETAIL / NON-RESIDENTIAL:	70,000 S.F.
PARKING:	150 UNITS
NUMBER OF UNITS:	
ELEVATOR:	
BUILDING:	3-4 STORIES
PARKING GARAGE 1:	2 LEVELS
PARKING GARAGE 2:	2 LEVELS

### ITE DATA

NET LAND AREA: ACROSS LAND AREA: FAR PROPOSED.	REQUIRED PROPOSED	REQUIRED PROPOSED
106,596.80 S.F. (2.44 AC.) 142,744.80 S.F. (3.25 AC.) 32	88 (87,086.46 S.F.) 32 (116,961 S.F.)	40 (37,008 S.F.) 40 (37,114 S.F.)

### PARKING DATA

RESIDENTIAL PARKING, REQUIRED PROPOSED LETT PARKING: REQUIRED PROPOSED LOADING SPACES, REQUIRED PROPOSED	.60 SPACES / DU = 117 SPACES 133 SPACES 1 SPACE / 400 S.F. = 12 SPACES 12 SPACES 1 SPACE 1 SPACE
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NOTES:  
AS PER AGREEMENT WITH HOMEPARK  
NEIGHBORHOOD ASSOCIATION:  
1. NO ROOF PITCH SHALL EXCEED 3:12  
2. PERPETUAL ACCESS SHALL BE PROVIDED  
FROM RTE TO MARRETTA STREET, AS SHOWN ON  
THIS MOCHDED PLAN.  
3. MARQUARY FACADE WILL BE EQUAL OR  
GREATER THAN THE FACADE ON THE MARRETTA  
STREET APARTMENTS.



## LEGAL DESCRIPTION

935 Marietta Street

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 112 of the 14<sup>th</sup> District, City of Atlanta, in Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point at the intersection of the northwest right-of-way line of Hampton Street (having a 50 foot right-of-way) and the northeast right-of-way line of Marietta Street (having a (60 foot right-of-way); thence following said right-of-way line of Marietta Street North 38 degrees 45 minutes 24 seconds West a distance of 200.00 feet to a hole found; thence North 38 degrees 37 minutes 24 seconds West a distance of 110.24 feet to a nail found; thence North 38 degrees 36 minutes 27 seconds West a distance of 40.42 feet to a nail found; thence North 38 degrees 44 minutes 12 seconds West a distance of 179.78 feet to an iron pin found; thence leaving said right-of-way line North 41 degrees 40 minutes 12 seconds East a distance of 100.48 feet to an iron pin found; thence North 37 degrees 49 minutes 35 seconds West a distance of 10.13 feet to a nail found; thence North 56 degrees 34 minutes 02 seconds East a distance of 101.56 feet to an iron pin found at the southwestern right-of-way line of Third Street (having a 50 foot right-of-way); thence following said right-of-line South 37 degrees 24 minutes 05 seconds East a distance of 99.95 feet to an iron pin found; thence South 37 degrees 22 minutes 30 seconds East a distance of 42.89 feet to a point; thence South 37 degrees 47 minutes 56 seconds East a distance of 183.29 feet to an iron pin found; thence South 38 degrees 05 minutes 33 seconds East a distance of 125.84 feet to an iron pin found; thence South 37 degrees 56 minutes 56 seconds East a distance of 99.85 feet to an iron pin found at said northwestern right-of-line of Hampton Street (having a 50 foot right-of-way); thence following said right-of-line South 52 degrees 24 minutes 03 seconds West a distance of 191.50 feet to the POINT OF BEGINNING.

Said tract containing 2.455 Acres.

::ODMA\PCDOCS\ATL\754807\1

7-04-27

RCS# 5829  
6/21/04  
5:06 PM

Atlanta City Council

Regular Session

04-O-0482

REZONE I-2 AND I-1 TO PD-MU PROPERTY AT  
935 MARIETTA STREET  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

Y Smith	NV Winslow	Y Shook	Y Martin	Y Mitchell
Y Starnes	Y Archibong	Y Muller	Y Maddox	Y Norwood
Y Young	Y Fauver	Y Moore	B Mosley	Y Willis

04-O-0482

04-0-0482

(Do Not Write Above This Line)

AN ORDINANCE 2-04-27  
BY: COUNCILMEMBER  
IVORY LEE YOUNG, JR.

AN ORDINANCE TO REZONE  
FROM THE I-2 (HEAVY INDUSTRIAL)  
AND I-1 (LIGHT INDUSTRIAL)  
DISTRICTS TO THE PD-MU  
(PLANNED DEVELOPMENT-MIXED  
USE) DISTRICTS, PROPERTY LOCATED  
AT 935 MARIETTA STREET, N.W.,  
FRONTING 191.50 FEET ON THE  
NORTHWESTERLY SIDE OF HAMPTON  
STREET BEGINNING AT THE  
NORTHWEST CORNER OF MARIETTA  
STREET. DEPTH: APPROXIMATELY  
530 FEET; AREA: 2.455 ACRES;  
LAND LOT 112, 14TH DISTRICT,  
FULTON COUNTY, GEORGIA.  
OWNER: METAL ASSET ACQUISITION,  
INC.

APPLICANT: DAVID P. BAYCURA  
BY: CARL E. WESTMORELAND, JR.,  
ATTORNEY  
NPU-E COUNCIL DISTRICT 3

ADOPTED BY  
JUN 2 1 2004

COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER

Date Referred 3/15/04

Referred To: ZRB + Zoning

First Reading

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Committee Zoning

Date June 2, 2004

Chair \_\_\_\_\_

Action: \_\_\_\_\_

Fav, Adv, Held (see rev. side) \_\_\_\_\_

Other: \_\_\_\_\_

Members \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action: \_\_\_\_\_

Fav, Adv, Held (see rev. side) \_\_\_\_\_

Other: \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

Committee Zoning

Date June 2, 2004

Chair V-Chair

Action: May Meadows

Fav, Adv, Held (see rev. side) \_\_\_\_\_

Other: \_\_\_\_\_

Members \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action: \_\_\_\_\_

Fav, Adv, Held (see rev. side) \_\_\_\_\_

Other: \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED

JUN 2 1 2004

COUNCIL PRESIDENT PROTEM

CERTIFIED

JUN 2 1 2004

Rick Douglas Brown

MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

June 4, 2004

MAYOR